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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,929

10/22/2003

Scott Campbell

PA2587US

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22830 7590 02/22/2007
CARR & FERRELL LLP
2200 GENG ROAD
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EXAMINER

KARKHANIS, AASHISH

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/691,929	Applicant(s) CAMPBELL, SCOTT	
	Examiner Aashish Karkhanis	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/30/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bizarre Creations (Project Gotham Racing Manual, http://www.gamemanuals.net/download/2d54fbeb2d3e8ca2224ebad31c1b257f/Project_Gotham_Racing_%28EN%29.pdf, and Project Gotham Avault Screenshot, <http://www.avault.com/consoles/reviews/xbox/avsscreenshot.asp?pic=pgr&num=5>, Game release on 14 November 2001) in view of MobyGames (RoadBlasters, <http://www.mobygames.com/game/nes/roadblasters/screenshots/gameShotId,35174/>, Game release in January 1990).

Regarding Claims 1, 16 – 19, 24 and 27, Bizarre discloses an electronic-readable medium having embodied thereon a program, the program being executable by a machine to perform a method for displaying a graphical path in a video game including a processor configured to retrieve graphical path data associated with previous run from a data cache or a memory card (p. 12, Time Attack Mode; where a Ghost car is a recording of graphical path data from a previous run), displaying the graphical path data as a string of path markers, and determining a color for a path marker of the string of

Art Unit: 3714

path markers based upon an elapsed time of a current video game session and an elapsed time associated with the path marker (p. 12, Time Attack Mode; where a Ghost car follows a graphical path set by a previous run). Bizarre does not disclose a graphical path represented by a visual string of path markers that are equidistant from each other. However, MobyGames teaches using a visual string of equidistant path markers in a racing game in order to keep a player moving along a desired path during a race. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the graphical path markers which change color based on comparison of elapsed time with a previous run of Bizarre with the visual string of path markers of MobyGames in order to keep a player moving along a desired path and providing in-environment game information to a player.

Regarding Claims 2 – 3, 7, 20 – 21, 25 – 26 and 30, Bizarre discloses a method including selecting a first color for the displayed path marker if the elapsed time associated with the path marker is greater than the elapsed time of the current video game session, selecting a color for the path marker based upon a character state associated with the displayed path marker if the elapsed time associated with the displayed path marker is less than or equal to the elapsed time of the current video game session (Avault Screenshot; where game path data in the form of a time-to-lead car is shown as red when a player is behind a lead car and blue when a player is a lead car).

Regarding Claims 4 – 6, Bizarre discloses a method, wherein the character state associated with the displayed path marker is an "on the ground" state, an "airborne"

Art Unit: 3714

state, or a "crashed" state (p. 11, Big Air; where a car may be in an "on the ground" state or a "crashed" state as is well known and established in the art of racing games, and may also be in an "airborne" state as disclosed by Bizarre in order to score points in a race).

Regarding Claims 8 – 11, Bizarre discloses a method wherein the previous run is a "best time" run, a "worst time" run, or an "average time" run (p. 12, Time Attack Mode; p. 15, Average Speed; where a Time Attack provides a player's best speed as a speed to beat, and Average Speed records all previous runs in a particular race, including best, average, and worst and calculates a running average speed), wherein the previous run is a run selected from one or more previous runs (p. 15, Average Speed; where Average Speed records all previous runs in a particular race, including best, average, and worst and calculates a running average speed).

Regarding Claims 12 – 15, 22 – 23 and 28 – 29, Bizarre discloses a method including generating current graphical path data associated with the current video game session (p. 6, Game Screen; where a player controls a player car in a race), storing the current graphical path data as "best time" run graphical path data if a total elapsed time of the current video game session is less than a total elapsed time associated with a previous "best time" run (p. 12, Time Attack Mode; p. 15, Average Speed; where a Time Attack provides a player's best speed as a speed to beat; and updates a best time as a player achieves a faster time than the current best time), storing the current graphical path data as "worst time" run graphical path data if a total elapsed time of the current video game session is greater than a total elapsed time

Art Unit: 3714

associated with the previous run, utilizing the current graphical path data in determining an "average time" run graphical path data (p. 15, Average Speed; where Average Speed records all previous runs in a particular race, including best, average, and worst and calculates a running average speed).

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

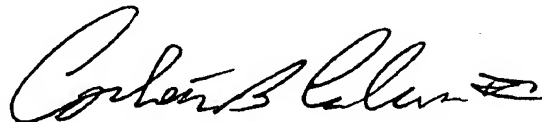
Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK



**CORBETT B. COBURN
PRIMARY EXAMINER**